

PATENT

Atty. Dkt. No. KPTS/TS6848

REMARKS

This is intended as a full and complete response to the Final Office Action dated February 25, 2005 and the Advisory Action dated April 21, 2005, having a shortened statutory period for response set to expire on May 25, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 11-31 remain pending in the application and are shown above. Claims 11-31 are rejected by the Examiner. Reconsideration of the rejected claims is requested for reasons presented below. Claims 11 and 26 are amended to incorporate a limitation from the preamble into the claim elements.

Claims 11-31 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The preferred compositions are plasticizer-free as recited in the preamble and the currently amended elements of the claims and are described to be free of plasticizer including hydrocarbon oils such as paraffinic oils and naphthenic oils at page 9 of the specification. Applicant proposes amending Claims 11 and 26 to more clearly recite free of plasticizer as expressly described on page 9 of the specification. Withdrawal of the written description rejection of claims 11-30 as amended or as currently pending is respectfully requested.

Claims 11-15 and 20-25 are rejected under 35 U.S.C. § 103(a) as obvious over *Burns* (U.S. Patent No. 5,496,862) in view of *Hwo* (U.S. Patent No. 5,585,411). Applicant respectfully traverses the rejection. *Burns* teaches including in the polymer blend 2 weight percent low density polypropylene, a compound that does not have alkyl groups having 2 or more carbon atoms attached to the carbon backbone. *Hwo* teaches a material in demanding temperature tolerance applications such as for refrigerators or HVAC insulation, requiring olefinic rubber for the material. Therefore, *Burns* and *Hwo*, alone or in combination, do not teach, show, or suggest one or more thermoplastic elastomeric block copolymers, one or more polymers having alkyl groups containing 2 or more carbon atoms attached to a carbon backbone and having a melt flow index of from 0.1 to 200 dg/min (at 2.16 kg/190°C, determined in accordance with ASTM D 1238), and a blowing agent, wherein the foamed thermoplastic elastomer composition is

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plasticizer-free, as recited in Claim 11, and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Claims 17-19 and 26-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Burns* in view of *Hwo* and further in view of *Burnell* (U.S. Patent No. 5,727,182). Applicant respectfully traverses the rejection. *Burns* does not teach styrenic selectively hydrogenated block copolymer wherein the vinyl content of the conjugated diene block is at least 35 mol % based on the total diene content. *Hwo* requires olefinic rubber in each of its compositions. *Burnell* teaches styrenic block copolymers for use in foamable materials, but *Burnell* requires a plasticizer such as a hydrocarbon rubber extending oil in each composition of styrenic block copolymers. *Burnell* in combination with the other references does not suggest using a styrenic block copolymer in the absence of the typical plasticizing oils.

Therefore, *Burns*, *Hwo*, and *Burnell*, alone or in combination, do not teach, show, or suggest one or more thermoplastic elastomeric block copolymers, one or more polymers having alkyl groups containing 2 or more carbon atoms attached to a carbon backbone having a melt flow index of from 0.1 to 200 dg/min (at 2.16 kg/190°C, determined in accordance with ASTM D 1238), and a blowing agent, wherein the elastomer composition is plasticizer-free and wherein each styrenic elastomeric block copolymer is a selectively hydrogenated block copolymer wherein the vinyl content of the conjugated diene block is at least 35 mol% based on the total diene content, as recited in Claim 17, and claims dependent thereon.

Furthermore, *Burns*, *Hwo*, and *Burnell*, alone or in combination, do not teach, show, or suggest 100 parts by weight of a mixture of a selectively hydrogenated styrene/conjugated diene multi block copolymer and a selectively hydrogenated styrene/conjugated diene diblock copolymer, 10 to 100 parts by weight of a branched polyolefin selected from the group consisting of a polymer of 1-butene and a high melt strength polymer of propene, the branched polyolefin having a melt flow index of from 0.1 to 200 g/10min (at 2.16 kg/190 C, determined in accordance with ASTM D 1238), and a blowing agent in an amount of from 1 to 10 percent weight, based on the total weight of the foamed thermoplastic elastomer composition, wherein the foamed

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thermoplastic elastomer composition is plasticizer-free as recited in Claim 26 and claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Applicant further traverses the rejection of dependent Claims 12-25 and 27-31 on grounds that they depend on claims that recite patentable subject matter. Withdrawal of the rejection is respectfully requested.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Final Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Final Office Action.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Keith M. Tackett
Registration No. 32,008
MOSEY, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)